

DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATIONS

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,  
and

I believe I am an original, first and joint inventor of the subject matter which is claimed  
and for which a patent is sought on the invention entitled

BIOMARKERS AND METHODS FOR DETERMINING  
SENSITIVITY TO EPIDERMAL GROWTH FACTOR RECEPTOR  
MODULATORS

the specification of which was filed as PCT International Application No. **PCT/US04/000368** on  
January 8, 2004.

I hereby state that I have reviewed and understand the contents of the above identified  
specification, including the claims, as amended by any amendments made during the  
international stage (including any made under PCT Rule 91, Article 19 and Article 34).

I acknowledge my duty to disclose all information which is known by me to be material to  
the patentability of this application as defined in 37 C.F.R. §1.56.

I hereby claim the benefit under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign  
application(s) for patent or inventor's certificate listed below and under 35 U.S.C. §365(a) of any  
PCT international application(s) designating at least one country other than the United States  
listed below and have also listed below any foreign application(s) for patent or inventor's  
certificate or any PCT international application(s) designating at least one country other than the  
United States for the same subject matter and having a filing date before that of the application  
the priority of which is claimed for that subject matter:

None

I hereby claim the benefit under 35 USC §119(e) of any United States provisional  
application(s) listed below:

Application No.

60/438,735

Filing Date

January 8, 2003

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below and under 35 U.S.C. §365(c) of any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner required by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose all information known by me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application: PCT International Application No. **PCT/US04/000368** filed on January 8, 2004.

I hereby appoint the attorneys and agents associated with **Customer No. 23914**, respectively and individually, as my attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all communications to the address associated with **Customer No. 23914**, which is currently Stephen B. Davis, Bristol-Myers Squibb Company, Patent Department, P.O. Box 4000, Princeton, NJ 08543-4000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**FIRST JOINT INVENTOR:**

Full name : **Lukas C. Amler**

Signature : \_\_\_\_\_

Date : \_\_\_\_\_  
(MM/DD/YY)

Citizenship : Germany

Residence : Foster City, California

P.O. Address : 845 Granada Lane  
Foster City, California 94404

**SECOND JOINT INVENTOR:**

Full name : **Thomas Januario**

Signature : \_\_\_\_\_

Date : \_\_\_\_\_  
(MM/DD/YY)

Citizenship : United States of America

Residence : San Francisco, California

P.O. Address : 221 Clara Street, Apt. 14  
San Francisco, California 94107

**IMPORTANT:** Before this declaration is signed, the patent application (the specification, the claims and this declaration) must be read and understood by each person signing it, and no changes may be made in the application after this declaration has been signed.